

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Criminal No. 21-30462

v.

Rapheal Jarrell Smiley

Defendant(s).

**MOTION AND BRIEF FOR LEAVE TO
DISMISS COMPLAINT WITHOUT PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America hereby moves for leave to dismiss without prejudice the complaint against Rapheal Jarrell Smiley. In this case, the government needs additional time

- 1) to decide whether criminal prosecution of defendant for the offense(s) in question is in the public interest.

See generally United States v. Lovasco, 431 U.S. 783,790-96 (1977); 18 U.S.C. §

3161(d)(1). The government and the defendant have entered into a Pretrial

Diversion Agreement, whereby the defendant will be under the supervision of the

U.S. Pretrial Services Agency for a period of six months. Provided the defendant

satisfactorily completes the period of the diversion, the government will not

reinstate the charges against him. Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

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Dated: March 16, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Benton Martin

s/Ryan A. Particka

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